

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jason Kelly,)	
)	Civil Action No. 0:15-2157-TMC-PJG
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Department of Corrections)	
and James Tollison,)	
)	
Defendants.)	
_____)	

Plaintiff, a prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. On July 1, 2016, Defendants filed a motion for summary judgment. (ECF No. 43). Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court deny Defendants' motion for summary judgment. (ECF No. 51). The parties were advised of their right to file objections to the Report. (ECF No. 51 at 12). However, no party filed objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the entire record in this case, the court adopts the magistrate judge's Report (ECF No. 51) and incorporates it herein. It is therefore **ORDERED** that Defendants’ motion for summary judgment (ECF No. 43) is **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

November 9, 2016
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.